United Nations A/67/879

General Assembly

Distr.: General
29 May 2013

Original: English

Sixty-seventh session
Agenda item 67 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

How to make the International Decade for People of African Descent effective

Report of the Secretary-General

Summary

The Secretary-General submits this report as requested by the General Assembly in its resolution 67/155 on the global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. The report is based on contributions received from Member States and other stakeholders. It also draws substantially on the contributions presented by the Working Group of Experts on People of African Descent and the Committee on the Elimination of Racial Discrimination.

The content of this report is firmly anchored in the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination, among other important human rights instruments. The report identifies objectives and practical steps to be taken at the national, regional and international levels to make the International Decade for People of African Descent effective.

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I. Introduction

1. The General Assembly, in its resolution 67/155 on the global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, requested the Secretary-General to report to the Assembly before the end of its sixty-seventh session on the practical steps to be taken to make the International Decade for People of African Descent effective.

2. The present report took into consideration the responses to the questionnaire requesting inputs for its elaboration, circulated in March and April 2013 to Member States, United Nations bodies, programmes and funds and the specialized agencies, regional organizations, and civil society. The report draws substantially on the statement adopted by the Committee on the Elimination of Racial Discrimination on the contribution to the Programme of Action for the Decade for People of African Descent, and on the draft Programme of Action for the Decade for People of African Descent drafted by the Working Group of Experts on People of African Descent pursuant to General Assembly resolution 66/144 and further welcomed by the Human Rights Council in its resolution 21/33 entitled "From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance". It also takes into account responses to the questionnaire requesting inputs for the elaboration of the draft Programme of Action, circulated in February 2012 to all relevant stakeholders. The report is firmly anchored in the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination, the outcome document of the Durban Review Conference, the political declaration contained in General Assembly resolution 66/3, general recommendations made by human rights treaty monitoring bodies, particularly general recommendation No. 34 (2011) on racial discrimination against people of African descent, and other relevant human rights instruments.

II. Why an International Decade for People of African Descent?

3. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, was in part a historic exchange of views and attempt to grapple with past realities and the burden of history. The Durban Declaration and Programme of Action acknowledged that people of African descent were victims of slavery, the slave trade and colonialism and continue to be victims of their consequences.

4. At the same time, the Durban process raised the visibility of people of African descent and contributed to the substantive advancement in the promotion and protection of their rights, as a result of concrete actions taken by States, the United Nations, other international and regional bodies and civil society.

5. Regrettably, despite these advances, racism and racial discrimination, both direct and indirect, de facto and de jure continue to manifest themselves in inequality and disadvantage. People of African descent throughout the world make up some of the poorest and most marginalized groups, whether as descendants of the victims of the transatlantic slave trade or as more recent migrants. Studies and findings by international and national bodies demonstrate that people of African descent still have limited access to quality education and health services, housing

and social security. People of African descent experience discrimination in the administration of justice and face alarmingly high rates of police violence along with racial profiling. They have low levels of political participation, both in terms of voting and in occupying political positions. People of African descent also face new and emerging challenges, such as displacement, due to threats of armed conflict or large-scale industrial development projects.

6. As illustrated above, owing to the unique nature of the discrimination faced by people of African descent, particularly related to the legacies of history, a careful distinction between their situation and that of other groups who also face racial and other forms of discrimination should be made. It is for these reasons that the promotion and protection of their human rights should be a priority concern for the United Nations and that the proposal for the International Decade for People of African Descent is a timely and important initiative.

7. An international decade would maintain the momentum that has been gathering speed since the World Conference against Racism of 2001, the Durban Review Conference held in 2009, the tenth anniversary of the Durban Declaration and Programme of Action in 2011 and the International Year for People of African Descent in 2011. The proclamation of the International Year for People of African Descent and the activities undertaken during the year represented an added value in raising awareness and in the efforts of Member States and the international community to ensure recognition, justice and development for people of African descent. However, given the structural nature of the problems that affect them, an international decade would provide an opportunity to further deepen the actions taken. A decade would also ensure the effective implementation of the crucial provisions laid out in the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and other relevant international instruments.

8. Certainly, there is still a long way to go before the full realization of all human rights and fundamental freedoms by people of African descent. An international decade would without doubt help in joining efforts by States and the international community to achieve this goal. The International Decade will be beneficial not only for people of African descent but for society as a whole, as it will contribute to achieving full and effective equality for all and to strengthening the rule of law and democracy.

III. Theme

9. As recommended by the General Assembly in its resolution 67/155, "People of African descent: recognition, justice and development" should be the theme for the Decade.

IV. Objectives

10. Non-discrimination and equality before and of the law constitute fundamental principles of international human rights law and underpin the Universal Declaration of Human Rights and the main international human rights treaties and instruments. As such the main objective of the Decade should be to promote respect, protection

and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognized in the Universal Declaration of Human Rights. This main objective can be achieved through the effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international and regional human rights instruments.

11. The Decade can focus on the following specific objectives:

(a) To strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation in all aspects of society;

(b) To promote a greater knowledge of and respect for their diverse heritage, culture and contribution to the development of societies;

(c) To adopt and strengthen international, regional and national legal frameworks on the rights of people of African descent, particularly as recommended by the Committee on the Elimination of Racial Discrimination and the Working Group of Experts on People of African descent through the adoption of a United Nations declaration on the promotion and full respect of the human rights of people of African descent.

V. Practical steps to be taken to make the Decade effective

12. The Decade should be perceived as an international initiative, which would require long-term action and bring together all relevant actors at the international, regional and national levels. Policies, strategies and programmes of the Decade should integrate a gender perspective. Due consideration should be given to the compounded discrimination faced by women and girls of African descent. Similarly, people of African descent should be closely involved and participate in the decisions taken and in the work done as part of the Decade.

A. Steps at the national level

13. Member States should take all necessary measures to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, by, inter alia:

(a) Taking steps to remove all obstacles that prevent the equal enjoyment of economic, social, cultural, civil and political rights by people of African descent;

(b) Taking steps to promote the effective implementation of the national and international legal framework;

(c) Undertaking a comprehensive review of domestic legislation, with a view to:

(i) Identifying and abolishing provisions that entail direct or indirect discrimination;

(ii) Recognizing, where relevant, people of African descent in national constitutions;

(iii) Adopting comprehensive anti-discrimination legislation and ensuring its effective enforcement;

(d) Adopting and implementing projects, policies, programmes and national action plans against racism and racial discrimination; establishing, on the basis of statistical information, affirmative or positive measures to promote access to basic social services, such as primary education, basic health care and adequate housing, for people of African descent;

(e) Introducing measures to ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice; designing, implementing and enforcing effective measures to eliminate the phenomenon known as "racial profiling";

(f) Establishing and maintaining a body or a system of coordinated bodies to promote racial equality and ensuring adequate funding. That national body could act as a mechanism to mobilize public support and carry out the related activities of the Decade;

(g) Providing training and capacity-building for national human rights institutions and governmental bodies to ensure that their work addresses racial discrimination and issues affecting people of African descent;

(h) Raising public awareness about the situation, history, experiences and contributions of people of African descent to global development.

14. The general public, including civil society actors, non-governmental organizations, workers' and employers' organizations, the mass media, religious and community organizations, the family, education centres and others should be mobilized and invited to take an active part in the activities of the Decade and in achieving its goals.

B. Steps at the regional and international levels

15. The international and regional organizations should continue to give the highest priority to programmes for combating racism and racial discrimination directed towards people of African descent.

16. The General Assembly may consider:

(a) Appointing the United Nations High Commissioner for Human Rights to act as Coordinator of the Decade, in order to follow up on the implementation of the activities foreseen in the Decade;

(b) Requesting the Secretary-General to present a progress report on the implementation of these provisions to the General Assembly biannually, taking into account information and views provided by States, relevant human rights treaty monitoring bodies, special procedures of the Human Rights Council and other mechanisms of the United Nations, international, regional and non-governmental organizations, including organizations of people of African descent, and national human rights institutions;

(c) Requesting the Department of Public Information of the Secretariat and regional organizations to launch an awareness-raising campaign to inform the general public of the histories, contribution, contemporary experiences and human rights situation of people of African descent;

(d) Inviting regional organizations, the specialized agencies, the United Nations programmes, funds and offices to develop global studies and to report, regarding the themes of the Decade. The organizations will include the following: the Food and Agriculture Organization of the United Nations, the World Bank Group, the International Labour Organization, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the regional commissions, the United Nations Development Programme, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights. Such studies could be used to inform a mid-term review of the Decade to monitor the progress made, share learning practices between key actors and inform plans and policies for the remaining five years of the Decade and beyond;

(e) Inviting the Office of the High Commissioner for Human Rights to continue its fellowship programme for people of African descent during the Decade;

(f) Requesting Member States to consider the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent;

(g) Establishing, as a result of the Decade, a United Nations permanent forum for people of African descent to serve as a consultation mechanism for representative organizations of people of African descent and other interested stakeholders;

(h) Requesting the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to adopt as a standing agenda item the implementation of the objectives for the International Decade for People of African Descent; and requesting that it acts as a monitoring implementation mechanism for the Decade;

(i) Requesting the United Nations High Commissioner for Human Rights to establish a project for the International Decade for People of African Descent to assist the funding of projects and programmes which promote the goals of the Decade and the participation of people of African descent.

17. Member States, donors and other stakeholders should participate in and contribute, on a voluntary basis, to the project to be established for the International Decade for People of African Descent.

18. Member States should support the implementation of activities for the International Decade for People of African Descent, and should cooperate constructively to ensure rapid progress and concrete results in the achievement of the objectives of the Decade.

Annex

A. List of stakeholders that provided contributions for the draft Programme of Action for the Decade elaborated by the Working Group of Experts on People of African Descent

Member States

Group of African States, Bolivia, Brazil, Colombia, Costa Rica, Cuba, European Union, Greece, Guatemala, Mexico, Portugal, Slovenia, Spain, Uruguay.

International and regional organizations, United Nations programmes, funds and bodies

Committee on the Elimination of Racial Discrimination; Inter-American Commission on Human Rights; Office of the Resident Coordinator of the United Nations in Brazil; Organization of American States, Department of International Law, Secretariat of Legal Affairs; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on extreme poverty; United Nations High Commissioner for Refugees; United Nations Educational, Scientific and Cultural Organization; United Nations Children's Fund Regional Office for Latin America and the Caribbean. National human rights institutions: Australian Human Rights Commission; Comisión Nacional de Derechos Humanos de México; Defensoria de los Habitantes, Costa Rica; Defensoria del Pueblo, Panama; Procuradoria para la Defensa de los Derechos Humanos, Nicaragua.

Non-governmental organizations, including academic institutions

African Canadian Legal Clinic; African Diaspora, African European Women's Movement Sophiedela; ÁGERE Cooperação em Advocacy; African Hebrew Israelites of Jerusalem, Dimona; African Heritage Magazine; African Union Diaspora 6th Region Facilitators; African World Studies Institute; Ancient African Market place; Association Relwendé pour le développement; BlackEconomics; Caribbean Diaspora Association; Caribbean Rastafari Organisation; Centro de Desarrollo Étnico; Centro de Estudos Feminista e Assessoria; Commemoration Committee; Comunidade Bahá'í of Brazil; Congress against Racism; Consejo Nacional Afro Boliviano; Coordenacão Nacional de Entidades Negras; CRIOLA; December 12th Movement; Dream Africa; Educafro; Expressions d'Afrique; Federation of African Diaspora Organizations: Un Bondru; Federation of Black, Migrant and Refugee Women's Organizations and Youth Department, Tiye International; Federación Española de Afrodescendientes; Institute of Social Medicine and Community Health; Instituto da Mulher Negra (Seledes); International Association against Torture; International NGO Congress; Global Migration Policy Associates; International Youth and Student Movement for the United Nations; Grupo de Estudios étnico-raciales, Universidad del Valle, Colombia; Ichirouganaim Council for the Advancement of Rastafari; IYPAD Barbados NGO Chapter; Federal University of Rio de Janeiro; Law Keepers; Minority Rights Group International; Movement for the United Nations; Mundo Afro; National Commission against Discrimination of Panama; National Monument Dutch Slavery Past; Network/Experts and Civil Society African (Diaspora) Non-State Actors; Our African Heritage; Pan-African Diaspora Union; Pan-African

Strategic and Policy Group; Parents Association, St John's School; Plataforma Cumbre Mundial de Afrodescendientes; Drammeh Institute; Red de Organizaciones de Mujeres Afro Guatemaltecas; Slavery Past; Sub-Committee for the Elimination of Racism; Sub-Regional Diaspora Council Coalition; Office of African Nova Scotian Affairs; Pan-Africanist of Black Communities; Universal Day of Hope Trust.

B. List of stakeholders that provided replies to the questionnaire for the present report

Member States

Brazil, Cuba, Jamaica, Mauritius, Namibia, Niger, Spain.

International and regional organizations, United Nations programmes, funds and bodies

Committee on the Elimination of Racial Discrimination, Inter-American Commission on Human Rights; Economic Commission for Latin America and the Caribbean; United Nations Office on Drugs and Crime; Working Group of Experts on People of African Descent.

Non-governmental organizations

Cercle de recherche sur les droits et les devoirs de la personne humaine; World against Racism Network.